

## DISASTER REPAIR

Only after a "Natural Disaster Area" has been declared in Miami-Dade County is it acceptable to employ contractors who have not been licensed through the state of Florida or Miami-Dade County, and only then after complying with the following requirements: Miami-Dade County Code Chapter 10, Section 3 (c) requires that contractors hold a certificate of competency by any agency other than Miami-Dade County or the State of Florida to first register with Miami-Dade County. Chapter 10, Section 3(d) requires volunteer relief builders to register with the County and demonstrate license status in order to conduct construction practices under this chapter or the provisions of any other state, county, or municipal construction trades licensing program.

## THE LAW

**Contracts performed by unlicensed contractors are unenforceable (Chapter 489.128, Florida Statutes).**

As a matter of public policy, contracts entered into on or after Oct. 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain a license in accordance with this part shall be unenforceable in law or in equity. However, in the event the contractor obtains or reinstates his/her license, the provisions of this section shall no longer apply. "Pursuant to Florida State Statute above, any contracts entered into with unlicensed contractors are unenforceable." The Construction Lien Law (Chapter 713, Florida Statutes) allows a contractor, subcontractor, material supplier, or anyone providing construction or material services to your home or business, to place a lien against your property if they are not paid for services or supplies. You can protect yourself by asking your contractor for a statement that all material suppliers and sub-contractors have been paid.

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Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability. "It is the policy of Miami-Dade County to comply with all of the requirements of the Americans with Disabilities Act."

### MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE

140 W. Flagler Building Suite 1603 Miami, FL 33130

Phone: 305-375-2901 Fax: 305-375-2908

Email: [BCCO@miamidade.gov](mailto:BCCO@miamidade.gov)

Protect  
Yourself

## What to Know When Hiring A Contractor



**Miami-Dade County**  
**Building Code Compliance Office**

*Building Together for a Better Future*

## CONTRACTOR ENFORCEMENT

Miami-Dade County Code Chapter 10 and Florida Statute Chapter 489 require that construction contractors be licensed. The Miami-Dade County Building Code Compliance Office's Contractor Enforcement Section regulates licensed and unlicensed contractors. The Contractor Enforcement Section will investigate any complaints you may have against a contractor.

## WHY IS HAVING A LICENSED CONTRACTOR SO IMPORTANT?

The use of an unlicensed contractor often leads to unsafe and hazardous construction and additional cost to the consumer. Here are some of hazards associated with the hiring of an unlicensed contractor:

### **Failure to meet the Florida Building Code Standards.**

Unlicensed contractors are unable to apply for a building permit, therefore their construction work can not be reviewed or inspected according to the Florida Building Code—the statewide unified building code system. Failure to meet the requirements of the Code can result in unsafe and hazardous conditions.

**Substandard Workmanship.** Unlicensed contractors have not demonstrated necessary competence through training, experience and examination as required for licensed contractors. As a consequence, unlicensed contractors may be unaware of building code requirements and accepted building practices.

**Cost to Consumer.** The work of an unlicensed contractor is often substandard and ultimately leads to costly repairs and corrections that require the services of a licensed contractor. Thus, the consumer may pay more for a job than if they had initially hired a licensed contractor.

**Fines.** The hiring of unlicensed contractors violates Chapter 10 of the County Code and Florida Statute Chapter 489. This may subject the consumer to violations on their property and the possibility of fines.

## WARNING SIGNS

*The following are some indications that the contractor you hired may not be licensed:*

**A large down payment is requested before work begins.** Payments should only be for a part of the work. In order to be licensed, contractors must demonstrate sufficient financial ability to perform the type of work for which the license is specified.

**You are asked to obtain the permits.** A licensed contractor who is in good standing will always obtain the permit.

**The contractor is not willing to put all terms in writing and offers only a verbal contract.** Never accept an oral agreement.

**The contractor does not have proof of insurance.** Licensed contractors must have general liability, property damage, and workers' compensation insurance in effect at all times.

**You are informed that the job does not require a building permit.** Check with your local Building Official. Almost all projects, with a few exceptions, require a building permit.

**Someone other than the person or company contracting to do the work obtains the permit.** A licensed contractor in good standing will always obtain his own permit.

**The contractor is only willing to work on weekends.** This is often a sign that the person is an employee who is moonlighting without a license. Licensed contractors are full-time professionals.

**The contractor only displays an occupational license.** In order to lawfully engage in contracting, a contractor must be certified by the State of Florida Construction Licensing Board or the Miami-Dade County Construction Trades Qualifying Board (CTQB).

The CTQB screens applicants for licensing exams and reviews applications for contractor licenses. Members of this Board are authorized to review and resolve complaints against contractors and tradesmen. They may also take disciplinary action against County license holders, including fines and/or suspension of licenses. An occupational license is not sufficient to secure a building permit or enter into a contract.

**You are asked to make your check payable to an individual instead of a company name. You are asked to make a payment in cash, or you are asked to make the check payable to cash.** Licensed contractors will almost always have a separate business account.

**The absence of a license number in newspaper advertisements, business cards, or yellow page advertisements.** Licensed contractors are required by law to include their Certificate of Competency license number in all advertising, as well as on all vehicles used to perform construction work.

**Newspaper, advertising flyer or yellow page ad where only the telephone number appears and there is not a business address.** Licensed contractors generally have an office or business address. An unlicensed contractor will more often work out of their vehicle or home.

## CONSUMER PROTECTION

The best way to safeguard against faulty and hazardous construction work is to make sure the contractor you hire has a valid contractor license from either Miami-Dade County or the State of Florida. By using licensed contractors, you can save yourself time, worry, money and even injury. You can assist in helping to prevent these problems for yourself and others by reporting unlicensed contractor activity to Miami-Dade County Building Code Compliance Office at 305-375-2901. It is recommended that you always verify the status of a contractor's license by calling 3-1-1.